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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

LAURA NOVOTNY,

Plaintiff,

v.

MARTIN O'MALLEY,  
Commissioner of Social Security,<sup>1</sup>

Defendant.

Civil No. 2:23-cv-01880-CKD

**STIPULATION AND ORDER TO EXTEND  
BRIEFING SCHEDULE**

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<sup>1</sup> Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 The parties stipulate through counsel that Defendant, the Acting Commissioner of Social Security  
2 (the “Commissioner”), shall have an extension of 30 days to respond to Plaintiff’s Motion for Summary  
3 Judgment in this case. In support of this request, the Commissioner respectfully states as follows:

4 1. The Commissioner’s response to Plaintiff’s Motion for Summary Judgment is due  
5 December 29, 2023. Defendant has not previously received an extension of this deadline.

6 2. Counsel for the Commissioner is in the process of consulting with his client on the  
7 defensibility of this matter. Counsel for the Commissioner believes that this short extension may resolve  
8 this matter without necessitating this Court to address the merits of this matter. Moreover, this brief  
9 extension would conserve judicial time and resources should the Parties be able to resolve this matter.

10 3. Counsel for the Commissioner has consulted with Plaintiff’s counsel who advised that he  
11 has no objections.

12 4. This request is made in good faith and is not intended to unnecessarily delay the  
13 proceedings in this matter.  
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WHEREFORE, Defendant requests until January 28, 2024, to respond to Plaintiff's Motion for Summary Judgment.

Date: January 3, 2024

LAW OFFICES OF FRANCESCO BENAVIDES

By: /s/ Caspar Chan for Francesco Benavides \*  
FRANCESCO BENAVIDES  
\*Authorized by email on January 3, 2024  
Attorneys for Plaintiff

Date: January 3, 2024

PHILIP A. TALBERT  
United States Attorney  
Eastern District of California

By: /s/ Caspar Chan  
CASPAR CHAN  
Special Assistant United States Attorney  
Attorneys for Defendant

ORDER

APPROVED AND SO ORDERED. Defendant shall respond to plaintiff's motion for summary judgment no later than Monday, January 29, 2024.

Dated: January 3, 2024

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE